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Attorney for Defendant GONZALES

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO GONZALES,

Defendants.

CASE NO. 22-CR-0140 WBS
STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: November 6, 2023
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

This case was set for status on October 2, 2022.

This Court should consider the following case-specific facts in finding excludable delay appropriate in this particular case under the ends-of-justice exception, § 3161(h)(7) (Local Code T4).¹ I

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through defendant's counsel of record, hereby stipulate as follows:

1. By this stipulation, defendants now move to set a status conference on November 6, 2023 at 9:00 a.m., and to exclude time between October 2, 2023, and November 6, 2022 under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

2. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes voluminous pages of discovery and evidence. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for defendants desire additional time to go through the voluminous discovery. Counsel requests additional time to discuss discovery with his client; counsel will be in a state trial, People v Kevin Davis, starting September 29, 2023 and it will last 2 weeks.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government agrees to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of October 2, 2023 to November 6, 2023 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

3. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 27, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ ROBERT ABENDROTH
Assistant United States Attorney

Dated: September 27, 2023


/s/ MARK J. REICHEL

MARK J. REICHEL
Counsel for Defendant
FRANCISCO GONZALES

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED.

Dated: September 27, 2023


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE